

FILED
U.S. DISTRICT COURT
NORTHERN DIST. OF TX
FT. WORTH DIVISION

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CLERK OF COURT

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

TAMMY EATON

Plaintiff,

v.

MIDLAND CREDIT
MANAGEMENT, INC., MIDLAND
FUNDING, LLC, CITIFINANCIAL,
INC., EXPERIAN INFORMATION
SOLUTIONS, INC., EQUIFAX
INFORMATION SERVICES, LLC,
AND TRANS UNION LLC,

Defendants.

CASE NO. 4:13-cv-00385-A

**ANSWER AND AFFIRMATIVE DEFENSES OF EXPERIAN
INFORMATION SOLUTIONS, INC.**

NOW COMES Defendant Experian Information Solutions, Inc. ("Experian"), by its undersigned counsel, and in answer to the Complaint and Jury Demand ("Complaint") of Plaintiff Tammy Eaton ("Plaintiff"), states as follows:

JURISDICTION

1. In response to paragraph 1 of the Complaint, Experian admits that Plaintiff has alleged jurisdiction of its claims against Experian based on the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* ("FCRA"). As to the allegations in paragraph 1 of the Complaint that relate to other defendants, Experian does not have knowledge or information sufficient to form a belief as to the truth of those allegations and, on that basis, denies, generally and specifically, each and every remaining allegation of paragraph 1 of the Complaint.

2. In response to paragraph 2 of the Complaint, Experian admits that jurisdiction is appropriate.

3. In response to paragraph 3 of the Complaint, Experian admits that Plaintiff brings her action against Experian under the FCRA but denies, generally and specifically, each and every remaining allegation of paragraph 3 of the Complaint.

VENUE

4. In response to paragraph 4 of the Complaint, Experian does not dispute that venue is proper in this court.

5. In response to paragraph 5 of the Complaint, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

PARTIES

6. In response to paragraph 6 of the Complaint, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

7. In response to paragraph 7 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

8. In response to paragraph 8 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

9. In response to paragraph 9 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

10. In response to paragraph 10 of the Complaint, Experian admits the allegations contained therein.

11. In response to paragraph 11 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

12. In response to paragraph 12 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

13. In response to paragraph 13 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

14. In response to paragraph 14 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

15. In response to paragraph 15 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

16. In response to paragraph 16 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

17. In response to paragraph 17 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

18. In response to paragraph 18 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

19. In response to paragraph 19 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

20. In response to paragraph 20 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the

allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

21. Experian admits the allegation made in paragraph 21.

22. In response to paragraph 22 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

23. In response to paragraph 23 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

FACTUAL ALLEGATIONS

24. In response to paragraph 24 of the Complaint, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

25. In response to paragraph 25 of the Complaint, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

26. In response to paragraph 26 of the Complaint, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

27. In response to paragraph 27 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the

allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

28. In response to paragraph 28 of the Complaint, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

29. In response to paragraph 29 of the Complaint, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

30. In response to paragraph 30 of the Complaint, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

31. In response to paragraph 31 of the Complaint, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

32. In response to paragraph 32 of the Complaint, as it relates to other defendants, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

33. In response to paragraph 33 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

34. In response to paragraph 34 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

35. In response to paragraph 35 of the Complaint, as it relates to other defendants, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

36. In response to paragraph 36 of the Complaint, Experian's investigation into Plaintiff's claims is ongoing; however, at this time, Experian is without information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein. Experian will amend and/or supplement its answer if necessary. As to the allegations in paragraph 36 of the Complaint that relate to the other defendants, Experian does not have knowledge or information sufficient to form a belief as to the truth of those allegations and, on that basis, denies, generally and specifically, each and every remaining allegation of paragraph 36 of the Complaint.

37. In response to paragraph 37 of the Complaint, Experian's investigation into Plaintiff's claims is ongoing; however, at this time, Experian is without information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein. Experian will amend and/or supplement its answer if necessary. As to the allegations in paragraph 37 of the Complaint that relate to the other defendants, Experian does not have knowledge or information

sufficient to form a belief as to the truth of those allegations and, on that basis, denies, generally and specifically, each and every remaining allegation of paragraph 37 of the Complaint.

38. In response to paragraph 38 of the Complaint, as it relates to other defendants, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

39. In response to paragraph 39 of the Complaint, Experian's investigation into Plaintiff's claims is ongoing; however, at this time, Experian is without information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein. Experian will amend and/or supplement its answer if necessary. As to the allegations in paragraph 39 of the Complaint that relate to the other defendants, Experian does not have knowledge or information sufficient to form a belief as to the truth of those allegations and, on that basis, denies, generally and specifically, each and every remaining allegation of paragraph 39 of the Complaint.

40. In response to paragraph 40 of the Complaint, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

41. In response to paragraph 41 of the Complaint, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

42. In response to paragraph 42, Experian denies, generally and specifically, each and every allegation contained therein. As to the allegations in paragraph 42 of the Complaint that relate to the other defendants, Experian does not have knowledge or information sufficient to

form a belief as to the truth of those allegations and, on that basis, denies, generally and specifically, each and every remaining allegation of paragraph 42 of the Complaint.

43. In response to paragraph 43 of the Complaint, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein. As to the allegations in paragraph 43 of the Complaint that relate to the other defendants, Experian does not have knowledge or information sufficient to form a belief as to the truth of those allegations and, on that basis, denies, generally and specifically, each and every remaining allegation of paragraph 43 of the Complaint.

44. In response to paragraph 44 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

45. In response to paragraph 45 of the Complaint, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein. As to the allegations in paragraph 45 of the Complaint that relate to the other defendants, Experian does not have knowledge or information sufficient to form a belief as to the truth of those allegations and, on that basis, denies, generally and specifically, each and every remaining allegation of paragraph 45 of the Complaint.

46. In response to paragraph 46 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the

allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

47. In response to paragraph 47 of the Complaint, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein. As to the allegations in paragraph 47 of the Complaint that relate to the other defendants, Experian does not have knowledge or information sufficient to form a belief as to the truth of those allegations and, on that basis, denies, generally and specifically, each and every remaining allegation of paragraph 47 of the Complaint.

48. In response to paragraph 48 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

49. In response to paragraph 49, Experian denies, generally and specifically, each and every allegation contained therein.

50. In response to paragraph 50 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

51. In response to paragraph 51 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

52. In response to paragraph 52 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

53. In response to paragraph 53 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

54. In response to paragraph 54 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

55. In response to paragraph 55 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

56. In response to paragraph 56 of the Complaint, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

57. In response to paragraph 57 of the Complaint, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

58. In response to paragraph 58 of the Complaint, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

59. In response to paragraph 59 of the Complaint, as it relates to other defendants, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

60. In response to paragraph 60 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

61. In response to paragraph 61 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

62. In response to paragraph 62 of the Complaint, as it relates to other defendants, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

63. In response to paragraph 63 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

64. In response to paragraph 64 of the Complaint, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

65. In response to paragraph 65 of the Complaint, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

66. In response to paragraph 66 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

67. In response to paragraph 67 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

68. In response to paragraph 68 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

69. In response to paragraph 69 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

70. In response to paragraph 70 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

COUNT I – VIOLATION OF FCRA BY MIDLAND FUNDING

71. In response to paragraph 71 of the Complaint, Experian incorporates its prior responses to paragraphs 1-70.

72. In response to paragraph 72 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

73. In response to paragraph 73 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

74. In response to paragraph 74 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

COUNT II – VIOLATION OF FDCPA BY MIDLAND FUNDING

75. In response to paragraph 75 of the Complaint, Experian incorporates its prior responses to paragraphs 1-74.

76. In response to paragraph 76 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

77. In response to paragraph 77 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

78. In response to paragraph 78 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

COUNT III – VIOLATION OF FCRA BY MIDLAND CREDIT

79. In response to paragraph 79 of the Complaint, Experian incorporates its prior responses to paragraphs 1-78.

80. In response to paragraph 80 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

81. In response to paragraph 81 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

82. In response to paragraph 82 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

COUNT IV – VIOLATION OF FDCPA BY MIDLAND CREDIT

83. In response to paragraph 83 of the Complaint, Experian incorporates its prior responses to paragraphs 1-82.

84. In response to paragraph 84 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

85. In response to paragraph 85 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

COUNT V – VIOLATION OF TEX. FIN. CODE BY MIDLAND FUNDING

86. In response to paragraph 86 of the Complaint, Experian incorporates its prior responses to paragraphs 1-85.

87. In response to paragraph 87 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

88. In response to paragraph 88 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

COUNT VII [SIC] – VIOATION [SIC] OF TEXAS FIN. CODE BY MIDLAND CREDIT

89. In response to paragraph 89 of the Complaint, Experian incorporates its prior responses to paragraphs 1-88.

90. In response to paragraph 90 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

91. In response to paragraph 91 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

**COUNT IX [SIC] – INVASION OF PRIVACY (INTRUSION OF SECLUSION)
BY MIDLAND CREDIT**

92. In response to paragraph 92 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

COUNT X [SIC] – VIOLATION OF FCRA BY CITIFINANCIAL

93. In response to paragraph 93 of the Complaint, Experian incorporates its prior responses to paragraphs 1-92.

94. In response to paragraph 94 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

95. In response to paragraph 95 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

96. In response to paragraph 96 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

COUNT XI [SIC] – VIOLATION OF FCRA BY EQUIFAX

97. In response to paragraph 97 of the Complaint, Experian incorporates its prior responses to paragraphs 1-96.

98. In response to paragraph 98 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

99. In response to paragraph 99 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

100. In response to paragraph 100 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

COUNT XII [SIC] – VIOLATION OF FCRA BY EXPERIAN

101. In response to paragraph 101 of the Complaint, Experian incorporates its prior responses to paragraphs 1-100.

102. In response to paragraph 102 of the Complaint, Experian states that it is a legal conclusion which is not subject to denial or admission. To the extent an answer is required, Experian denies, generally and specifically, each and every allegation of paragraph 102 of the Complaint.

103. In response to paragraph 103 of the Complaint, Experian states that it is a legal conclusion which is not subject to denial or admission. To the extent an answer is required, Experian denies, generally and specifically, each and every allegation of paragraph 103 of the Complaint.

104. In response to paragraph 104, Experian admits Plaintiff seeks damages. Except as specifically admitted, Experian denies, generally and specifically, each and every remaining allegation of paragraph 104 of the Complaint.

COUNT XIII [SIC] – VIOLATION OF FCRA BY TRANS UNION

105. In response to paragraph 105 of the Complaint, Experian incorporates its prior responses to paragraphs 1-104.

106. In response to paragraph 106 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the

allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

107. In response to paragraph 107 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

108. In response to paragraph 108 of the Complaint, as it relates to another defendant,¹ Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

RESPONDEAT SUPERIOR

109. In response to paragraph 109 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

110. In response to paragraph 110 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

111. In response to paragraph 111 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the

¹ The Complaint references Experian in paragraph 108. Experian answered this paragraph assuming this reference was made in error and the Plaintiff intended to make this allegation against Trans Union. If, however, Plaintiff intended to make this allegation against Experian, Experian states the following: Experian admits Plaintiff seeks damages. Except as specifically admitted, Experian denies, generally and specifically, each and every remaining allegation of paragraph 108 of the Complaint.

allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

112. In response to paragraph 112 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

113. In response to paragraph 113 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

114. In response to paragraph 114 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

115. In response to paragraph 115 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

116. In response to paragraph 116 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

JURY TRIAL DEMAND

117. In response to paragraph 117, Experian admits Plaintiff demands a jury trial.

DEMAND FOR RELIEF

118. In response to paragraph 118 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

119. In response to paragraph 119 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

120. In response to paragraph 120 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

121. In response to paragraph 121 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

122. In response to paragraph 122 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

123. In response to paragraph 123 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

124. In response to paragraph 124 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

125. In response to paragraph 125 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

126. In response to paragraph 126 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

127. In response to paragraph 127 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

128. In response to paragraph 128 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the

allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

129. In response to paragraph 129 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

130. In response to paragraph 130 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

131. In response to paragraph 131 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

132. In response to paragraph 132 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

133. In response to paragraph 133 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

134. In response to paragraph 134 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

135. In response to paragraph 135 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

136. In response to paragraph 136, Experian denies, generally and specifically, each and every allegation contained therein.

137. In response to paragraph 137, Experian denies, generally and specifically, each and every allegation contained therein.

138. In response to paragraph 138 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

139. In response to paragraph 139 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

140. In response to paragraph 140 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the

allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

141. In response to paragraph 141 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

142. In response to paragraph 142 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

143. In response to paragraph 143 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

144. In response to paragraph 144 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

145. In response to paragraph 145 of the Complaint, as it relates to another defendant, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE
(FAILURE TO STATE A CLAIM)

The Complaint herein, and each cause of action thereof, fails to set forth facts sufficient to state a claim upon which relief may be granted against Experian and further fails to state facts sufficient to entitle Plaintiff to the relief sought, or to any other relief whatsoever from Experian.

SECOND AFFIRMATIVE DEFENSE
(IMMUNITY)

All claims against Experian are barred by the qualified immunity of 15 U.S.C. § 1681h(e).

THIRD AFFIRMATIVE DEFENSE
(FAILURE TO MITIGATE DAMAGES)

Plaintiffs have failed to mitigate their damages.

FOURTH AFFIRMATIVE DEFENSE
(CONTRIBUTORY/COMPARATIVE FAULT)

Experian is informed and believes and thereon alleges that any alleged damages sustained by Plaintiffs were, at least in part, caused by the actions of Plaintiffs themselves and resulted from Plaintiffs own negligence which equaled or exceeded any alleged negligence or wrongdoing by Experian.

FIFTH AFFIRMATIVE DEFENSE
(ESTOPPEL)

Any damages which Plaintiffs may have suffered, which Experian continues to deny, were the direct and proximate result of the conduct of Plaintiffs. Therefore, Plaintiffs are estopped and barred from recovery of any damages.

SIXTH AFFIRMATIVE DEFENSE
(INTERVENING CAUSE)

Plaintiffs' alleged damages were not caused by Experian, but by accurate negative credit information regarding Plaintiffs.

SEVENTH AFFIRMATIVE DEFENSE
(TRUTH ACCURACY OF INFORMATION)

All claims against Experian are barred because all information Experian communicated to any third person regarding Plaintiff was true.

EIGHTH AFFIRMATIVE DEFENSE
(INDEMNIFICATION)

Experian is informed and believes and thereon alleges that any purported damages allegedly suffered by Plaintiff are the results of the acts or omissions of third persons over whom Experian had neither control nor responsibility.

NINTH AFFIRMATIVE DEFENSE
(RIGHT TO ASSERT ADDITIONAL DEFENSES)

Experian reserves the right to assert additional affirmative defenses at such time and to such extent as warranted by discovery and the factual developments in this case.

WHEREFORE, Defendant Experian Solutions, Inc. prays as follows:

- (1) That Plaintiff take nothing by virtue of the Complaint herein and that this action be dismissed in its entirety;
- (2) For costs of suit and attorneys' fees herein incurred; and
- (3) For such other and further relief as the Court may deem just and proper.

Respectfully submitted,

Dated: June 21, 2013



Jeffrey Mills

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Attorney for Defendant

Experian Information Solutions, Inc.

CERTIFICATE OF SERVICE

This is to certify that on this 21 day of June 2013, a true and correct copy of the above and foregoing was filed with the Clerk of the Court, United States District Court for the Northern District of Texas, and served upon counsel of record as follows via U.S. Mail:

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Frisco, TX 75034

A handwritten signature in black ink, appearing to be 'JL Mills', written over a horizontal line.

Jeffrey L. Mills